

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

Special Civil Application No. 7989 of 1995

Associated Intermediates & Chemicals

vs

P.J.Patel

Appearance:

Nanavati Associates for the petitioner

Mr. Nagesh C. Sood for respondent no.1

Notice served by DS for respondent no.2

Mr. HB Shah for respondent no.3

Coram: S.D.Dave & S.D.Pandit JJ

Dated: March 24,1998

ORDER

The petitioner before us happens to be one M/s Associated Intermediates & Chemicals situated at GIDC, Vatva, Ahmedabad. The proceedings were initially registered as Misc. Civil Application. Later on, they have been converted into petition and have been registered as such.

2. The petition came to be filed for the principal relief of issuance of the appropriate directions so that the unit of the petitioner could not be ordered to be closed down. Under the orders dated September 14,1995 it appears that the units were permitted to work under certain terms and conditions.

3. At present the request coming from learned counsel Mr. Gandhi who appears for M/s Nanavati Associates is that regard being had to the consistent good performance of the industry, the payment part and the consent status, now present proceedings could be disposed of.

4. Learned counsel Mr. Gandhi places on record a statement which would go to show that the industry has paid an amount of Rs. 9,76,199/- under one percent formula on four different occasions by four different cheques. The industry has also made necessary payment for the monitoring charges and its contribution for the

drainage pipeline. They have also paid necessary amount as per the orders of this Court to the GPCB. The industry is a member of CETP and the statement shows an amount of Rs. 12,16,425/- has been paid under different installments for the CETP. Three payments have been made by the industry on different dates as the charges for the solid waste management. One more amount also came to be paid under this head. Thus it appears that the unit has paid a total sum of Rs. 22,14,144/- under different orders of this Court.

5. Learned counsel Mr. Gandhi makes it clear that there were no orders of this court to make any payment against clearance of goods under 5 percent formula. For the disposal of the petition, we record this statement coming from learned counsel Mr. Gandhi. So far as the consent status is concerned, the statement being presented by learned counsel Mr. Gandhi would go to show that they have obtained consent both under the Act and the Air Act. The consent under the Water Act appears to be valid up to March 31, 1997. Learned counsel Mr. Gandhi while trying to make this position clear says that there appears to be a typographical error because this consent came to be granted to the unit only on the said date. Mr. Gandhi learned counsel further says that necessary communication has been sent to the GPCB for the rectification of the said date. Thus it appears that the industry has got consent under both the Acts. Moreover, they have got authorization for the management and handling of the hazardous waste. Thus it appears that there has been a good consent status so far as the industry is concerned.

6. Taking up the last question regarding the performance by the industry, we have perused the inspection report regarding the visit made on March 20, 1998. This report would go to show that incinerator has been provided and that at the time of the visit, the same was found to be in operation. It is stated that there was no discharge of effluent or waste water. Thus it appears that the industry behaves well. In view of this regard being had to the statement made by learned counsel for the industry Mr. Gandhi, present proceedings required to be disposed of. We are of the opinion that there was an apprehension regarding closure. The unit was put on trial production and later on, it functions well. Acting upon the say coming from learned counsel Mr. Gandhi, we dispose of the present proceeding regard being had to what we have stated earlier. With this, present proceedings come to an end. The industry is permitted to go on with the usual activity without any hindrance and

any how, it shall be the duty of the GPCB to monitor the functioning of the industry. The statement being presented by Mr. Gandhi learned counsel for the industry along with the report being presented together with the reply filed by GPCB is retained on record.

(S.D.Dave.J)

(S.D.Pandit.J)